



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,757	01/16/2004	Hubert Hauser	HOE-794	8347
20/028	7590	02/13/2008		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER PATEL, PARESH H	
			ART UNIT 2829	PAPER NUMBER
			MAIL DATE 02/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/759,757

**Applicant(s)**

HAUSER ET AL.

**Examiner**

Paresh Patel

**Art Unit**

2829

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 0207.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 13-18, 24-37, 39-44 and 51-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 19-23, 38, 45-50, 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/28/2007 have been fully considered but they are not persuasive. Applicants have amended the claims 12, 38 and added new claim 58 that is dependent on claim 12. Applicants argues that "Tamura does not disclose or remotely suggest a first sensor advancing unit, where the first runout sensor is mounted on the first sensor advancing unit and adapted to be advanced by the first sensor advancing unit toward the rotor in the first direction, or a controller for activating the first sensor advancing unit, the controller using the first runout sensor as a spacing sensor during the advancement of the sensor toward the rotor, as set forth in amended claim 12." Examiner disagrees with Applicants because in fig. 9 and between the line 51 of col. 6 to line 23 of column 7, Tamura discloses **a first sensor advancing unit** (elements 54-56 and 62) and **a controller** (using element 59) as recited in the claim 12.
2. Applicants further argues that "Tamura does not disclose or remotely suggest using the first runout sensor as a spacing sensor during advancement of the sensor toward the rotor, as set forth in amended claim 38. Examiner again disagrees because in fig. 9, Tamura discloses the first runout sensor as a spacing sensor (see element 52) as recited in claim 38.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12, 19-23, 38, 45-50 and 58 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tamura et al. (US 5365458).

Regarding claims 12 and 38, Tamura et al. (hereafter Tamura) in fig. 1, 4, 9, at lines 26-43 of column 3, at lines 16-38 of column 4 and from line 51 of column 6 to line 23 of column 7 discloses all the elements including measuring device for electric motors, comprising: electric motor [motor] positioned in a motor mount [13], **a first sensor advancing unit** (elements 54-56 and 62) and **a controller** (using element 59), a first runout measuring device [3, 2] having **at least first runout sensor as a spacing sensor** [2 and/or 59] as recited in the claimed.

Regarding claim 19, Tamura discloses a measured-value acquisition [using capacitor sensor of fig. 1, 4 or 9], as further claimed.

Regarding claims 20 and 45, Tamura discloses a mean value [see lines 16-19 of column 4], as further claimed.

Regarding claims 21 and 46, Tamura discloses the max. difference [see fig. 3 as an example], as further claimed.

Regarding claims 22 and 47, Tamura discloses obvious determination of the max. deviation [see lines 31-38 of column 4], as further claimed to obtain accurate measurement.

Regarding claims 23 and 48, Tamura discloses obvious determination of the max. difference [see lines 31-38 of column 4], as further claimed in order to obtain accurate measurement.

Regarding claims 49-50, Tamura discloses use of a computer [8] to obtain more accuracy for RRO measurement (i.e. measurement in every revolution of the rotor which is off center or tilted). Therefore, measured value as claimed at claim 49 and speed-harmonic as claimed at claim 50 is obvious for the computer, in order to obtain more accurate measurement [also see fig. 2, 3, 5, 6, 7 and 8 for wave forms].

Regarding claim 58, Tamura discloses the controller advances the first runout sensor with the rotor rotating [see fig. 9 and lines 51 of col. 6 to line 23 of col. 7].

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha Nguyen can be reached on 571-272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paresh Patel/  
Primary Examiner, Art Unit 2829

February 06, 2008